

THE GENERAL PHARMACEUTICAL COUNCIL'S
FITNESS TO PRACTISE COMMITTEE
SITTING AS THE INTERIM ORDERS COMMITTEE

129 Lambeth Road, London SE1 BT

Thursday 22 December 2011

Chairman: Mr Patrick Milmo QC

Committee Members: Mr Peter Jones
Dr Ged Fisher

Committee Secretary: Ms Ekash Paik

CASE OF:

OMAR, Riaz Ahamed Abdul Sattar
(Registration Number: 2036323)

DETERMINATION

MR PETER STEEL, of Capsticks Solicitors, appeared on behalf of the General Pharmaceutical Council.

MR KEVIN MCCARTNEY, of Counsel, appeared on behalf of Mr Omar, who was present.

(Transcript of the shorthand notes of T A Reed & Co Ltd)
Tel No: 01992 465900)

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(The hearing commenced at 9.35 am)

(The Committee went into camera at 11.55 am and
returned into open session at pm)

DETERMINATION

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THE CHAIRMAN: This is a review hearing to consider whether any further direction should be given in the case of the Registrant, Mr Riaz Omar, whose entry in the Register was suspended for a year at the conclusion of the principal hearing before this Committee on 18 November 2010.

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The principal hearing concerned a series of allegations of sexual harassment and assault by Mr Omar between dates in 2006 and 2008 against female members of the staff of a Co-op pharmacy which Mr Omar managed. Many of those allegations were denied by Mr Omar, but the majority were found proved by this Committee.

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We summarised the allegations we found proved in our determination on sanction in these terms:

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“...the registrant Mr Omar, between mid 2006 and 20 March 2008, regularly assaulted a number of female members of the staff working in the pharmacy which he managed by slapping their bottoms and indulging in various acts of molesting, by putting his hands down their tunics, touching a woman’s breast, riding on their backs simulating sexual intercourse when they were on their hands and knees in front of the pharmacy safe, and embracing them in an intimate manner. There were five women who were subjected to one or more of these acts, and one of them was a young student undertaking practical training in the pharmacy. Mr Omar was over 40 at the time. The Committee has found that Mr Omar’s actions were an abuse of his position of trust and were sexually motivated.”

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Our powers on review of a suspension are set out in Article 52(4)(a)(ii) of the Pharmacists and Pharmacy Technicians Order 2007. The relevant ones are these: we can direct that the Registrant’s name be removed from the Register; that his

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suspension be extended for a further period not exceeding 12 months; or that on the

A | expiry of suspension the Registrant's registration shall be conditional upon his compliance with such requirements as are specified in the direction.

B | When giving reasons in November 2010 for our determination on sanction we expressly stated that we had wavered between the sanction of removal and that of suspension. We noted that there was ample justification for a direction of removal from the Register, in that there had been sexual misconduct, gross lack of insight, and the Registrant's behaviour was fundamentally incompatible with registration, as well as involving serious departures from the Code of Ethics.

C | We decided "with some hesitation" to take the more lenient course of directing a suspension. Our principal reasons were Mr Omar's record or performance as a pharmacist; his behaviour had not affected patients; he was capable of proper behaviour, in that in the first three and a half years when he was manager there was no misconduct, and no complaint about his behaviour; and finally that suspension was not, and would not be regarded as, a green light to return to practise when the period of suspension was completed.

D | We gave notice of what would most concern us on this review, namely, lack of insight. Mr Omar has mainly sought to make good the lack of insight apparent at the principal hearing by his own evidence. He has asserted that as a result of a number of sessions with a counsellor and therapist he had reflected on his conduct and recognised that his behaviour had been wrong, and that he had abused his power and authority and failed to maintain proper boundaries between himself and his staff. That is a summary of the material parts of his evidence he gave to the Committee today.

E | This evidence perhaps provides a measure of insight, and certainly some advancement on Mr Omar's position at the principal hearing, which was that perhaps on occasions he had overstepped the mark and had been inappropriately over-familiar with some of the staff; but that was all.

F | However what concerns us is that the focus of his self-analysis of his misconduct is upon his management style. There was, Mr Omar concedes, a failure to ensure that

A | some distance was kept between himself as manager and the staff whom he was
managing. But on our findings at the principal hearing there was much more to his
misbehaviour than imperfect management style. There was notably the sexual
B | element involved: one merely has to relate that there was no allegation of improper
behaviour against any male member of the staff, and that on our findings the manner
in which he exercised dominance over female staff was by sexually harassing or
assaulting them, to realise the significance of the sexual element.

C | It is apparent from what we said in our determination of sanction that we were hoping
that we would today have before us a report from some qualified person who had
discussed the material events with Mr Omar and perhaps identified a problem with
Mr Omar's attitude to women. This may have prompted Mr Omar to reflect upon
D | this aspect of his personality and to have caused him to work out how any latent
disposition to oppress, harass or dominate female members of the staff could be
avoided in the future.

E | It is to some extent to Mr Omar's credit that he did respond to our observations in our
determination by consulting his GP, who suggested that he see a counsellor, a Ms
Rosemary Cartilige, whom we understand was associated with the GP's practice. We
have no report from her, though we have been told by Mr Omar that he did request
such a report on a number of occasions. The absence of such a report is unfortunate,
as the sole record of Mr Omar's attendances are some notes of Ms Cartilige; they are
F | brief notes and they give rise to doubts about what information was given to her about
Mr Omar's conduct as manager which led to his suspension, and as to whether the
sexual element and sexual motivation underlying his bottom slapping and other
harassing acts against women in the pharmacy were ever addressed by or discussed
with Ms Cartilige.

G | Mr Omar did tell us that he did bring these matters to the attention of Ms Cartilige,
but it has to be faced that that is not mentioned or confirmed in her notes. We also
observed that two of Ms Cartilige's attendance notes were headed with the words
'anxiety with depression,' which would seem to indicate the reasons for, and the
H | subject matter of, those particular sessions.

A | Our concerns about the level of insight Mr Omar now has into his past misdeeds have hardly been assuaged by his marked reluctance when he was cross-examined today to give a clear answer to the question, ‘Do you accept that your conduct was sexually motivated?’ He would not meet this question head on; he merely admitted that his conduct was inappropriate and wrong.

B | We are therefore left with considerable doubt as to whether there has now been a sufficient level of insight to enable us to place total reliance upon Mr Omar’s assertion that this type of conduct will never recur.

C | Mr Omar has obtained impressive support from the staff, including a number of female members , of the pharmacy where he has for the last year or so been working as purchasing manager. They have all written about his impeccable conduct at the pharmacy and total absence of the type of behaviour which led to his suspension.

D | They describe him as someone who is competent, efficient, and continually observes proper standards of behaviour.

E | We have no reason to doubt the veracity of these testimonials, though we trust it is not too cynical to observe that it would be extraordinary if Mr Omar had strayed an inch off the road of proper conduct when he was serving a period of suspension which was shortly to be reviewed by this Committee.

F | The gravity of Mr Omar’s conduct which led to his suspension can hardly be overstated, and we would be failing in our duty if we allowed him to return to practise when we harboured any real concerns about the repetition of that conduct. Our duty to safeguard the public from improper behaviour by a pharmacist must also extend to protecting the staff, and female members of the staff within the pharmacy where that pharmacist works.

G | We do continue to have concerns. The source of our concerns we have above endeavoured to identify. Principally there is the absence of an independent report from a qualified person who is able inform us authoritatively whether Mr Omar has recognised and confronted the sexual element in his past behaviour with female

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A | members of the staff, and whether in the circumstances that behaviour is likely or unlikely to be repeated.

B | In order that endeavours can be made for such a report to be obtained we are going to extend the suspension for a period of 3 months, and order that there be a further review before that period expires.

C | We further recommend that in the three month period Mr Omar undertakes an equality and diversity course, and that evidence of attendance on such a course is available at the review hearing.

D | That is our decision in this matter. We should mention that our original intention was to make the extended period of suspension one of 4 months, but having consulted the 2007 Order we believe that the order we have made will not take effect until time for appeal has expired. We think that interim measures are appropriate in the meantime with the consequence that the actual period of continued suspension will be 4 months.

E | I think we can make an order for interim measures without an application being made, but in case we are wrong about that do you wish to make an application?

MR STEEL: Sir, I do, and I suggest in the light of your findings again today that this is a matter which demands an interim order for suspension during the appeal period.

F | THE CHAIRMAN: Have you anything to say on that point, Mr McCartney?

MR MCCARTNEY: No I have not.

G | THE CHAIRMAN: Right. That concludes this review hearing, unless you have any further applications?

(There was then a minor matter of clarification, and the hearing closed at 2.48 pm)

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